NOTIFICATION. 95

No. L.D. 1060—Legis. 37-49-18, dated 9th February 1950.

Ordered that the accompanying India and Hyderabad (Exchange of Enclaves) Order, 1950, published in the *Gazette of India*, dated the 25th January 1950, be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

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THE INDIA AND HYDERABAD (EXCHANGE OF ENCLAVES) ORDER, 1950.

WHEREAS by Agreement made on the twenty-third day of January, 1950, between the Governor-General of India and the Nizam of Hyderabad, it has been decided to effect, as from the twenty-fifth day of January, 1950, a mutual exchange of certain enclaves forming part of the State of Hyderabad with certain enclaves forming part of the Dominion of India in the Provinces of Madras and Bombay;

AND WHEREAS it is expedient to provide for the said exchange and for certain matters arising therefrom;

AND WHEREAS the Governor-General has ascertained the views of the Governments of Madras and Bombay both with respect to the proposal to make this Order and with respect to the provisions to be inserted therein;

NOW, THEREFORE, in exercise of the powers conferred on him by section 290 of the Government of India Act, 1935, and of all other powers enabling him in that behalf; the Governor-General is pleased to make the following Order:—

1. (1) This Order may be cited as the India and Hyderabad (Exchange of Enclaves) Order, 1950.

(2) It shall come into force on the twenty-fifth day of January, 1950.

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2. In this Order,—

(a) "Agreement" means the Agreement set out as an Annexure to this Order, being the Agreement made on the twenty-third day of January, 1950, between the Governor-General of India and the Nizam of Hyderabad;

(b) "central purposes" means the purposes of Government relatable to any of the matters mentioned in the Federal Legislative List;

(c) "enclave" means any of the Hyderabad enclaves in Madras or the Hyderabad enclaves in Bombay;

(d) "absorbing Province", in relation to an enclave, means the Province in which that enclave is included by the provisions of this Order;

(e) all expressions defined in Article I of the Agreement and used in this Order shall have the same meanings as in the Agreement.

3. As from the appointed day,—

(a) the Madras enclaves in Hyderabad shall cease to form part of the Province of Madras;

(b) the Hyderabad enclaves in Madras shall be included in, and form part of, the Province of Madras;

(c) the boundaries of the Province of Madras shall be so altered as to exclude from them the Madras enclaves in Hyderabad and to comprise within them the Hyderabad enclaves in Madras.

4. As from the appointed day,—

(a) the Bombay enclaves in Hyderabad shall cease to form part of the Province of Bombay;

(b) the Hyderabad enclaves in Bombay shall be included in, and form part of, the Province of Bombay;

(c) the boundaries of the Province of Bombay shall be so altered as to exclude from them the Bombay enclaves in Hyderabad and to comprise within them the Hyderabad enclaves in Bombay.

5. All property and assets within an enclave which immediately before the appointed day, vested in the Government of Hyderabad shall, as from that day, vest in the Government of the absorbing Province, except such property and assets as were immediately before that day, held by the Government of Hyderabad for central purposes.

6. All rights, liabilities and obligations, whether arising out of a contract or otherwise, of the Government of Hyderabad in

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relation to an enclave shall, as from the appointed day, be the rights, liabilities and obligations, respectively, of the Government of the absorbing Province, except such of the said rights, liabilities and obligations as are relatable to central purposes.

7. All laws in force in an enclave immediately before the appointed day, shall, as from that day, cease to be in force in that enclave, and all laws in force in the absorbing Province shall as from that day, extend to, and be in force in, that enclave :

Provided that anything done or any action taken under the laws in force in the enclave before the appointed day shall be deemed to have been done or taken under the corresponding law extended to, and in force in, that enclave as from the appointed day.

EXPLANATION.—In this Article, " law " includes any Act, Ordinance or Regulation and any notification, order, scheme, rule, form and bye-law issued, made or prescribed under any Act, Ordinance or Regulation.

8. (1) The Government of each of the absorbing Provinces shall, by order notified in the official Gazette, provide for the administration of the enclaves included in the Province, either by constituting them or any part of them into one or more new districts, or by making them or any part of them part of one or more existing districts or partly by one and partly by the other of the said methods, and may make such further provision as appears to it to be necessary or expedient for removing the difficulties arising in connection with the absorption of the enclaves in the Province.

(2) Any order made under this Article may be made so as to be retrospective to any date not earlier than the appointed day.

(3) Any order made under this Article shall be subject to the same powers of repeal and amendment as laws of the Legislature of that Province.

(4) No order shall be made under this Article after the expiration of six months from the appointed day.

ANNEXURE.

AGREEMENT made this twenty-third day of January 1950 between the Governor-General of India and the Nizam of Hyderabad.

WHEREAS certain small areas forming part of the State of Hyderabad are surrounded by the territories of the Dominion of India and certain small areas forming part of the Dominion of India are surrounded by the territories of Hyderabad ;

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AND WHEREAS it is in the best interests of the people of the said areas that mutual exchange of these enclaves should be effected;

It is hereby agreed as follows:—

ARTICLE I.

In this Agreement,—

(a) "appointed day" means the twenty-fifth day of January 1950;

(b) "Hyderabad enclaves in Madras" and "Hyderabad enclaves in Bombay" mean, respectively, the areas specified in Parts A and B of the First Schedule to this Agreement, being areas now forming part of Hyderabad but surrounded by the territories of the Dominion of India in the Provinces of Madras and Bombay, respectively;

(c) "Madras enclaves in Hyderabad" and "Bombay enclaves in Hyderabad" mean, respectively, the areas specified in Parts A and B of the Second Schedule to this Agreement, being areas now forming part of the Dominion of India in the Provinces of Madras and Bombay, respectively, but surrounded by the territories of Hyderabad;

(d) "Hyderabad" means the State of Hyderabad.

ARTICLE II.

As from the appointed day,—

(a) the Hyderabad enclaves in Madras and the Hyderabad enclaves in Bombay shall cease to form part of Hyderabad and shall be included in, and form part of, the territories of the Dominion of India; and

(b) the Madras enclaves in Hyderabad and the Bombay enclaves in Hyderabad shall cease to form part of the Dominion of India in the Provinces of Madras and Bombay, respectively, and shall be included, and form part of Hyderabad.

ARTICLE III.

As from the appointed day,—

(a) all property and assets within the Hyderabad enclaves in Madras or within the Hyderabad enclaves in Bombay, which, immediately before that day, vested in the Government of Hyderabad shall vest in the Dominion of India, unless the Governor-General of

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India by statutory order provides for the vesting of any such property or assets in the Province of Madras or Bombay, as the case may be;

(b) all property and assets within the Madras enclaves in Hyderabad or within the Bombay enclaves in Hyderabad which, immediately before the appointed day, vested in the Dominion of India or the Province of Madras or the Province of Bombay shall, as from that day, vest in the Government of Hyderabad.

ARTICLE IV.

As from the appointed day,—

(a) all rights, liabilities and obligations, whether arising out of a contract or otherwise, of the Government of Hyderabad in relation to the Hyderabad enclaves in Madras or the Hyderabad enclaves in Bombay shall, respectively, be the rights, liabilities and obligations of the Government of the Dominion of India, unless the Governor-General by statutory order provides for any of those rights, liabilities and obligations being the rights, liabilities and obligations of the Province of Madras or Bombay, as the case may be; and

(b) all rights, liabilities and obligations, whether arising out of a contract or otherwise, of the Government of the Dominion of India or of the Province of Madras or of the Province of Bombay in relation to the Madras enclaves in Hyderabad or the Bombay enclaves in Hyderabad, shall respectively be the rights, liabilities and obligations of the Government of Hyderabad.

THE FIRST SCHEDULE.

PART A.

Hyderabad Enclaves in Madras.

The following villages of Madhira Taluk, Warangal District :—

Kodavatkallu including the hamlets of Ustepalli and Kondapeta, Patiala, Battulupadu, Mogaluru, Atkuru, Peta, Tekalpalli, Santapalli, Gangapadu, Kotturu, Pullarlamudi, Chikalgudam, Buruvancha, Malavalli, Pullampad.

PART B.

Hyderabad Enclaves in Bombay.

1. Belwara village of Patoda Taluka in District Bid.
2. Borgaon village of Osmanabad Taluka in District Osmanabad :—
3. The following villages of Parenda Taluka in District Osmanabad.

Shelgaon, Sultanpur, Shirpad Pimpri, Anjangaon, Jamgaon (Byarg), Kevda, Sultanpur, Chavanvadi, Hatkarwadi, Kapsewadi, Dhanora, Manegaon, Bujrugwadi, Pachpundwadi, Kairao, Ridhore, Bhawarja (Byarg), Sindri Jagir, Upla village including hamlets of Wangiwadi, Irla and, Tawarwadi.

4. Andewadi (J) village in District Gulburga. Kakerbli Madbal, and Dholar villages in Jeevargi taluq.
5. Bhatnoor and Nagarbetta villages in Taluk Shorapur.
6. Gadesankpur village in Taluk Lingsugur.
7. The following villages in Taluq Kushtagi :—

Mullapur (J), Sarjapur, Santgira, Baleguda, Chigalgundi, Hanamsagar Kurbannal (J), Itgi (J), Gulguli (J), Mugli.

8. Hirlagundi (J) village in District Raichur.
9. The following villages of Tuljapur Taluka in District Osmanabad :—

Raulgaon, Astha, Pophali, Virwad Khurd, Shivni, Karamba (J), Warlegaon Chikhelli (J), Yellamwadi, Pawarwadi, Bopla, Yekoda, Mangoli, Baberwadi, Waloja, Degaon, Sasoora, Ghorpadi, Daksa', Mansi, Bhagachiwadi, Kowtali, Saklewadi, Kalman, Maslachowadhari, Padshli, Wangi Inchgaon, Khaneshwar, Bhoir, Ranmasla, Dharpal, Nanaj, Mohtechiwadi, Gharilachiwadi.

10. The following villages of Ashti Taluka in District Bid :—

Kavadgaon, Hasnabad, Girvalli, Pimpalkhed, Chandi, Aghi, Khamgaon, Dhancra, Fakhirabad, Halgaon, Nanj, Wagh, Javalki, Dhanegaon, Jawla, Tartgaon, Balegaon, Rodegaon, Borgaon, Dimeshwar.

NOTE.—'J' shown against a village indicates Jahagir.

THE SECOND SCHEDULE.

PART A.

Madras Enclaves in Hyderabad.

1. The following villages in Lingagiri Group of District Kistna :—

Kalvapalli, Kavasaram Guddam, Sarva Varam, Laxmi Puram, Linga Giri, Lekka Varam, Srinivas Puram, Sitaram Puram, Kundish Guddam, Ganuga Banda, Am avaram, Ayanna Guddam (Anjneyapuram).

2. The following villages of District Warangal :—

Mulu Kumadeo (Mulugumadu), Malla Varam and Rumapi Malla (Rumpimalla).

PART B.

Bombay enclaves in Hyderabad. 101

1. The following villages of Nandgaon Taluka in District Nasik :—

Kawitkhede, Anchalgaon, Balhegaon, Hingane Kanad, Sakegaon, Pokhat Kanad, Babul Khede, Khirdi Kanad, Salegaon, Malegaon, Bhokargaon.

2. The following villages of Chalisgaon in District East Khandesh :—

Narsingpur, Maranpur, Malpur, Vadali Pra Kanad, Bokangaon, Palasgaon, Banshendra, Hatnur, Jamadi Pra Kanad, Chapaner, Jalgaon Pra Kanad, Wodolwadi, Chikalthan, Withalpur.

3. Malunja (Budruk) village of Nevasa Taluka in District Ahmednagar :—

4. The following villages of Patardi Taluka in District Ahmednagar :—

Arvi, Jhapewadi, Saroor, Kanujwadi, Koalwadi, Rakshas Bhawan, Hinganwadi, Gomalwadi, Hingalwadi, Pimpalwadi.

5. The following villages of Jamkhed Mahal in District Ahmednagar :—

Khokar Mohu, Ghogawadi, Buragwadi, Rupawadi, Shirasmarga, Kalwadi, Bandalwadi, Taratwadi, Deemakwadi, Soangaon, Murshidpur, Khelad, Dongargaon, Devi Nimbagaon, Kada, Seri (Khurd), Gandiwadi, Kansiwadi, Amwadi, Kaswadi, Brahmangaon, Bhalaoni, Hajipur, Handewadi, Amalner, Pimpalwandi, Pangri, Ambawadi, Masurwadi, Chendorwadi, Jadowadi, Saradwadi, Bidarwadi, Depotwadi, Kusulamb, Godewadi, Bharatwadi, Nalwandi, Bongarkinni, Batachiwadi, Naskwadi, Pimpalgaon Dhar, Nirgudi, Kodewadi, Tirumalwadi, Bida wadi, Domri, Maibwadi, Ganjwadi, Bhidasangvi.

6. The following villages of Sholapur Taluka in District Sholapur :—

Hadalgi, Kukrambawadi, Thadala, Kukramba, Katachiwadi, Mangrole Sardwadi, Khandikarwadi, Arlibudruka, Kalegaon, Kasarjawalga.

7. The following villages of Barsi Taluka in District Sholapur :—

Savargaon, Upla, Wagoli, Kajla, Pawarwadi, Rajwadi.

8. Sonari Village of Karmala Taluka in District Sholapur.

9. Ainapur and Bhilwad villages of Sindgi Taluka in District Bijapur.

10. The following villages of Ron Taluka in District Dharwar :—

Hagdahal, Hirejundgud, Hirebahadurdinni, Hanmanhal.

In confirmation whereof His Exalted Highness the Nizam of Hyderabad and His Excellency the Governor-General of India have appended their signatures hereto.

MIR USMAN ALI KHAN.
C. RAJAGOPALACHARI.

C. RAJAGOPALACHARI,
Governor-General.